

REMARKS

Reconsideration is respectfully requested.

Claims 1, 2, 4-7, 9-20 are present in the application.

Claims 1-2, 4-7, 9-14 and 16-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim U.S. Patent 5,978,659 in view of Cuffaro et al. U.S. Patent 5,983,185, Kanai U.S. Patent 5,386,589, and Lindenmeier et al. U.S. Patent 6,011,962. Applicant respectfully traverses.

The Examiner states Kim teaches a radio terminal or base station (items #2 and #4 in Figure 2) which inherently contain a receiver and control processor and hence reads on the claim. But then the Examiner states "said processing device controls a series of measurement procedures and reports said result of measurement sent from said measuring device (figure 1 spectrum analyzer can output data to PC/Printer #10/#12". The applicant interprets the Examiner's comment to mean the spectrum analyzer controls a series of measurement and reports the results to the PC/Printer. However, it is clear from the Kim reference that it is the PC that does the controlling for Kim's device. The Examiner states in the preceding paragraph in the action that Kim's spectrum analyzer teaches a measuring device. And in the earlier paragraph as stated) that items #2 and #4 in Kim's Fig. 2 teach a control processor.

In other words the Examiner alleges Kim's cell phone (#4) and base station (#2) teach applicant's processing device included in a communication device. On the other hand, the Examiner also states that the processing is done by the spectrum analyzer and outputted to a PC/Printer as allegedly showing Kim's teaching of applicant's controlling a series of measurements by a processing device. The Examiner is selectively picking and choosing separate items from Kim to show first one characteristic and then a function of the same claimed item.

The Examiner goes on to state Kim is silent on the "'measurement system' being a wholly contained 'device' wherein said processing device performs control operation corresponding to at least a part of said receiving during normal operation of communication device" but then states that "Cuffaro teaches a device that can measure radio quality parameters (title) that is a wholly contained device".

Cuffaro et al. disclose a Method and Device for Simultaneously Recording and Presenting Radio Quality Parameters and Associated Speech. The Cuffaro device, however, is not a communication device. Item 11 in Fig. 1 may be a wholly contained device, but it is designed to be configured between a Test mobile system (TEMS) 12 and a Mobile Switching Center (MCS) as a test device. The Cuffaro device is a piece of hardware to be used in addition to a mobile unit and a base station type

unit. Kim's Radio conversion Jig is similarly to be configured between a measured Sample Terminal (mobile unit) 4 and a Base station 2. Even if one were motivated to try to combine Cuffaro with Kim it is difficult to image the result, but would possibly yield hardware configured between a cell phone and a base station controlled by a computer. It would be very different from applicant's invention as claimed.

The Examiner applies Kanai, stating that the document "teaches a mobile phone with a controller onboard (figure 3 #55) which connects to the receiver (#33) and hence reads on the claimed limitation." The applicant assumes the Examiner is referring to the limitation "processing device". Later, in rejecting claims 5 and 10 the Examiner states "Kanai teaches a controller (Figure 3, #55) which can be interpreted as a CPU". The Examiner is interpreting Kanai too broadly. Among other things, Kanai's controller #55 is not a processing device. It is essentially a passive device that only increases and decreases the amplification of the amplifier. Its function can be achieved with a relay and potentiometer. Kanai does not teach or suggest providing a communication device with the level of functionality claimed by applicant that includes "a processing device [that] controls a series of measurement procedures". The applicant respectfully submits that the claimed invention as a whole must be considered, not bits and

pieces thereof separately, and that if so considered, then the claims are patentable.

The Examiner applies Lindenmeier as allegedly reading on the claimed limitation of a communication device with a test system on board. Applicant considers this reference to be of interest, possibly pertinent to applicant's disclosure, but not to teach or suggest any of the specific limitations claimed. In fact applicant can't find any recitation of "test system onboard" or "test system". The applicant again believes the Examiner is not treating the claimed subject matter as a whole and respectfully request reconsideration.

Regarding claim 6 the Examiner alleges "it would be obvious to one skilled in the art to modify Kim such that the measuring system is a wholly contained communications device..." The applicant respectfully disagrees. In general, the art has taught to add a computer to test the connection between transmitter and receiver in a maintenance analysis mode done by trained maintenance personnel. The art does not suggest having the testing and analysis capabilities available within a user's device. Specifically, Kim teaches utilizing a radio mode conversion Jig to receive RF signals from both the mobile unit and the base station, and to transmit RF signals to the mobile unit and the base station. And Kim teaches controlling the entire test configuration with a computer external to the mobile unit.

Regarding claims 2 and 7 the Examiner refers to Figures 2 and 3 of Cuffaro. These figures and supporting description help illustrate the commonplace use of personal computers in the art of testing telecommunication equipment. The figures show a Graphical User Interface (GUI) commonplace for PCs, including commonplace mundane "maximize", "minimize" and "close" buttons on either side of the title bars at the tops of the figures. Column 4 line 60 says "...mouse and keyboard controls..." Clearly the art teaches away for not including a PC in communication measurement systems. Only the applicant has disclosed and claims an inventive way to not include one.

The specific claims discussed, and those that depend from them are believed to be in condition for allowance. Reconsideration and allowance is respectfully requested.

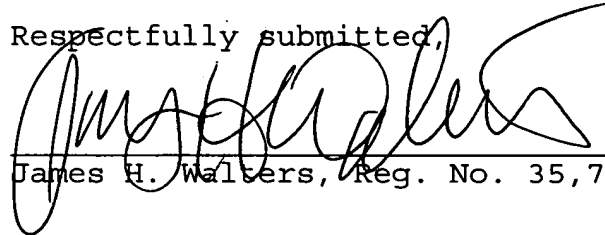
Claims 15 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim U.S. Patent 5,9789,659 in view of Cuffaro et al. U.S. Patent 5,983,185, Kanai U.S. Patent 5,386,589, and Lindenmeier et al., U.S. Patent 6,011,962 further in view of Jacobsen et al. U.S. Patent 6,073,034. Applicant respectfully traverses.

Claims 15 and 20 depend from and include all the limitations of base claims which applicant believes are allowable as discussed. Allowance of the claims is requested and believed to be warranted.

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Amdt. dated July 26, 2004
Reply to Office action of December 19, 2003

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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